

or quinazoline, composition and method of use, classified in class 544, subclasses 283 and 284; and class 514, subclasses 256 nad 258.1.

Group III: Claims 1, 4-7, and 27-31, drawn to compound of general formula shown in claim 1 wherein the distribution agent is not a triazine or diazine and the nitrogen containing aromatic ring is quinoline or pyridine, composition and method of use, classified in class 546, subclasses 152 and 268.1; and class 514, subclasses 311 and 345.

Group IV: Claims 1-2, 4-[sic], and 27-31, drawn to compound of general formula shown in claim 1 wherein the distribution agent is a pyrimidine or a quinazoline, and the nitrogen containing aromatic ring is not quinoline or pyridine, composition and method of use, classified in classes various subclasses various depending upon the choice of nitrogen containing group and the distribution group.

Office action, page 2.

Applicants are required to elect a group for examination on the merits. *Id.*, page 5. In response, Applicants elect Group I (claims 1-31), with traverse.

In traversing the restriction requirement, Applicants draw the Office's attention to M.P.E.P. § 803, which requires that there be a serious burden in examining the claims without restriction. In the present case, the Office has not shown that there would be a serious burden to examine these four groups together. Applicants respectfully submit that a search of Groups I-IV would not be burdensome, as all of the claims recite a compound represented by the formula in claim 1. A proper

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

search for the subject matter of one group would necessarily overlap the search for the subject matter of the remaining groups. Thus, a search for the subject matter cited in all groups would not be burdensome. Accordingly, Applicants respectfully request that the Office withdraw the restriction requirement.

Applicants also note that the grouping of the claims is inadequate and invite the Office to make appropriate corrections. The Office appears to be separating the claims based on the type of distribution agent employed. Group I recites triazine distribution agents. Group III recites non-triazine and non-diazine distribution agents. However, group II recites pyrimidine and quinazoline, which are two types of diazines, rather than grouping all of the diazines together. In group IV, only those diazines that do not also have a quinoline or pyridine as the nitrogen containing aromatic ring are included. Thus, it appears that at least some diazines (e.g., those not fitting into groups II or IV) have been excluded by the Office's grouping. Applicants respectfully request that the Office clarify the grouping of the claims, as needed, in order to cover the full scope of the claimed invention.

Moreover, group IV lists triazines (that do not also have a quinoline or pyridine as the nitrogen containing aromatic ring). Yet all triazine-containing compounds are fully covered by group I. Thus, it does not appear that any additional groupings of triazines are necessary. Applicants assume that this redundancy in group IV is in error, and have based the election of group I on its plain meaning. Namely, group I covers all compounds containing triazine as a distribution agent.

Applicants respectfully request that the Office clarify the restriction requirement and permit a supplemental election, if appropriate, if group I does not cover all compounds containing triazine as a distribution agent.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

In addition to the restriction requirement, the Office contends that the application, "contains claims directed to the following patentably distinct species: quinoline, pyridine, pyrimidine and triazine." Office Action, page 3. Applicants are required to elect one of these species for examination. Office Action, page 4. Applicants note that elected Group I is already restricted to triazines. Thus, Applicants see no need for a further election of species. However, to be fully responsive to the requirement, Applicants elect triazines for examination, with traverse. Claims 1, 2, and 4-31 read on the elected species.

Applicants contend that the Office should withdraw the election of species requirement for the reasons noted above. The Office has not established that there would be a serious burden to examine the full scope of the claims. The claims share a common core structure, as recited in claim 1. Thus, the search should not be unduly burdensome. In any event, if the Examiner finds the elected species allowable, he should, pursuant to M.P.E.P. § 803, expand his search to the next allowable species.

If necessary, please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 

M. Todd Rands
Reg. No. 46,249

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FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com